

L. Petersen



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

JAN 18 2006

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Ms. Mary Lou Capichioni  
Director, Remedial Services  
Environmental, Health & Regulatory Services  
The Sherwin-Williams Company  
101 Prospect Avenue, N.W.  
Cleveland, Ohio 44115-1075

**Re: Administrative Order on Consent for Remedial Investigation/Feasibility Study  
Index No. II CERCLA-02-99-2035  
Section XX - Reimbursement  
United States Avenue Burn Site**

Dear Ms. Capichioni:

Enclosed is a Bill for Collection No. 023306T002 ("Bill") in the amount of \$88,643.43 for costs paid by the U.S. Environmental Protection Agency ("EPA") in connection with the United States (U.S.) Avenue Burn site (the "Site") between October 1, 2003 and June 30, 2005. This Bill is being transmitted pursuant to the reimbursement provisions set forth in Section XX of the September 30, 1999 Administrative Order on Consent (AOC) for Remedial Investigation/Feasibility Study (RI/FS) activities between the United States and the Sherwin-Williams Company for the Site entered under the authority of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended, 42 U.S.C. 9601 *et seq.*

Also enclosed is a narrative statement concerning the costs contained in the Bill and a SCORPIOS Report — the latter being a computer-generated breakdown of the different categories of Site-related costs paid by EPA. The SCORPIOS Report was prepared using EPA's indirect methodology, whereby all direct costs for payroll and contracts are multiplied by a standard indirect rate of 30.30% determined for Region 2.

Pursuant to Section XX of the AOC, you are responsible for remitting payment of the Bill within thirty (30) days from the date of your receipt of this Bill. Although the terms of the AOC indicate that payment is to be made by a certified check, EPA requests that the amount due be sent to EPA's account at Mellon Bank via electronic funds transfer ("EFT"). To effect this payment via EFT, please instruct your bank to remit payment to EPA by providing the following information to your bank:

259314



Internet Address (URL) • <http://www.epa.gov>

- i. Amount of payment: **\$88,643.43**
- ii. Title of Mellon Bank account to receive the payment: **EPA**
- iii. Account code for Mellon Bank account receiving the payment: **9108544**
- iv. Mellon Bank ABA Routing Number: **043000261**
- v. Name of remitter: **The Sherwin-Williams Company**
- vi. Index Number : **II-CERCLA-02-99-2035**
- vii. Site/Spill identifiers: **02 - GE**

To ensure that your payment is properly recorded, you should send a letter, within one week of the EFT, which references the date of the EFT, the payment amount, the name of the Site, the index number, and your name and address, to:

Mr. Ray Klimcsak  
Remedial Project Manager  
New Jersey Remediation Branch  
Emergency and Remedial Response Division  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 19<sup>th</sup> Floor  
New York, NY 10007

as well as to:

Mr. Carl Howard, Esq.  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007

The United States reserves its right to recover any oversight costs incurred during that time period covered by this accounting but not included in this Bill, and all other future response costs pursuant to the AOC.

Finally, as indicated in past correspondence, under the Superfund Administrative Reform on improving the management of work performed by consenting parties, EPA has reaffirmed its commitment to conduct appropriate and cost-effective oversight while ensuring protective cleanups. EPA believes that maintaining an open dialogue with potentially responsible parties about oversight expectations and consenting-party performance can improve the efficiency of response actions and minimize the costs of oversight.

To this end, EPA would once again like to offer to discuss with you its plans for the oversight of ongoing work at the Site, and to provide you with the opportunity to suggest ways to effectively streamline the work and its oversight. Please contact Mr. Klimcsak at (212) 637-3916 within two weeks of receipt of this letter if you are interested in having a conversation with us regarding future oversight, or if you have any questions regarding this Bill. Questions from your legal representative should be directed to Mr. Howard at (212) 637 - 3216.

Sincerely yours,



Carole Petersen, Chief  
New Jersey Remediation Branch

Enclosures

cc: Allen Danzig, Esq., SWC w/encls.  
John Gerulis, SWC w/o encls.  
Christopher M. Connor, SWC w/encls.  
John Doyon, NJDEP w/o encls.

**Summary of Costs Paid by EPA from October 1, 2003 through June 30, 2005  
in Connection with Remedial Investigation Activities under AOC**

**U.S. Avenue Burn Superfund Site  
Gibbsboro, Camden County, New Jersey**

The costs outlined in this summary include EPA Regional oversight costs that have been paid from October 1, 2003 through June 30, 2005.

**Regional Payroll**

This consists of direct EPA personnel charges for time spent by EPA employees overseeing implementation of the requirements of the RI/FS Order, activities performed by the EPA as part of the RI/FS, community relations, discussions regarding disputes that have arisen as a result of the RI/FS Order, providing direction and management of the RAC's contractor, and reviewing and commenting on deliverables related to the RI/FS. See the Payroll section of the enclosed SCORPIOS Report.

**Total Regional Costs: \$35,202.98**

**Regional Travel**

Travel expenses included direct expenditures related to site-specific travel charges, including costs of travel to the Site and to Site-related meetings.

**Total Travel Costs: \$33.04**

**Other Expenditures (OTH)**

The GRB Environmental Services, Inc. contract costs are related to general record center operation and maintenance of remedial files and includes such items as, but may not be limited to, annual quality assurance reviews and assisting file reviewers.

**Total Other Costs: \$22.79**

**Response Action Contract (RAC)**

RAC contracts provide professional architect/engineering, technical, and management services in support of EPA's remedial response and enforcement oversight at Superfund sites. Contract services may include performance of site management; enforcement support, including oversight of a RI/FS and negotiation support; and other technical assistance, including community relations, sampling and analysis support, risk assessment support, report writing or reviewing,

and assisting EPA in overseeing PRP activities. The Foster Wheeler Environmental Corporation contract costs relate to preparation and implementation of RI/FS oversight activities.

**Total RACs Costs:**

**\$32,771.42**

#### **Indirect Costs**

Indirect costs are disbursements from the Superfund for the operation and management of the Superfund Program which are not direct costs (i.e., disbursements recorded in individual Superfund site accounts in EPA's financial management system). Indirect costs are allocated to particular Superfund sites by means of a methodology established by EPA-Headquarters. The enclosed SCORPIOS Report includes calculations of EPA's indirect costs.

**Total Indirect Costs:**

**\$20,613.20**

**Total EPA Oversight Costs from 10/01/03 through 6/30/05:**

**\$88,643.43**